

POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of: REDMON et al.

Application No.: 10/075,616

Group Art Unit: 1615

Filed: February 15, 2002

Examiner: To be Assigned

For: PHARMACEUTICAL COMPOSITIONS
COMPRISING NORASTEMIZOLE

Attorney Docket No.: 4821-464-999

Confirmation No.: 2810

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71
WITH STATEMENT UNDER C.F.R. 3.73(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints: Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bañnoñ (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Michael J. Lyons (Reg. No. 37386), Garland T. Stephens (Reg. No. 37242), William J. Sipio (Reg. No. 34514), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No. 40286), Ognjan V. Shentov (Reg. No. 38051), and Kenneth L. Stein (Reg. No. 38704), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 20582), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with

POWER OF ATTORNEY

the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all correspondence for this application to customer no. 20582.

I am the:

- Applicant/Inventor
 Assignee of record of the entire interest. See 37 CFR 3.71.
(Statement under 37 CFR 3.73(b) is applicable)

Statement Under 37 C.F.R. 3.73(b)

Indena S.p.A. states that it is:

- the assignee of the entire right, title, and interest; or
 an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office on _____ at Reel _____, Frame _____, or for which a copy thereof is attached.

- Additional documents in the chain of title are listed on a supplemental sheet.

- Copies of assignments of other documents in the chain of title are attached.
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

POWER OF ATTORNEY

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date:	<u>MAY 9, 2002</u>	ASSIGNEE:	<u>Sepracor Inc.</u>
		Signature:	<u>Douglas E. Reedich</u>
		Typed Name:	<u>Douglas E. Reedich</u>
		Position>Title:	<u>Assistant Secretary of the Corporation</u>
		Address:	<u>111 Locke Drive</u>
			<u>Marlborough, MA 01752</u>
			<u>ITALY</u>

ASSIGNMENT

WHEREAS, WE, Martin P. REDMON; Hal T. BUTLER; and Stephen A. WALD, ASSIGNORS, citizens of the United States of America, residing at 70 Old Howarth Road, Oxford, MA 01540; 391 Bigelow Street, Marlborough, MA; and 71 Cider Mill Road, Sudbury, MA 01776, are the inventors of the invention in

PHARMACEUTICAL COMPOSITIONS COMPRISING NORASTEMIZOLE

for which we have executed an application for a Patent of the United States

- which is executed on even date herewith or _____
 which is identified by Pennie & Edmonds LLP docket no. 4821-464
 which was filed on February 15, 2002 as U.S. Application No. 10/075,616

and WHEREAS, SEPRACOR, INC., ASSIGNEE, having a place of business at 111 Locke Drive, Marlborough, MA 01752 is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date _____, 2002	L.S.
Martin P. REDMON	
Date <u>5/9/02</u> , 2002	L.S.
Hal T. BUTLER	
Date <u>5/9/02</u> , 2002	L.S.
Stephen A. WALD	

State of) SS.:
County of)

On May 9, 2002, before me, Notary Public, Notary Public,
personally appeared Martin P. REDMON, personally known to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of Massachusetts) SS.:
County of Middlesex)

On May 9, 2002, before me, Notary Public, Notary Public,
personally appeared Hal T. BUTLER, personally known to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Jeanne J. Schaefer

JEANNE J. SCHAEFER

Notary Public

My Commission Expires November 26, 2004

State of Massachusetts) SS.:
County of Middlesex)

On May 9, 2002, before me, Notary Public, Notary Public,
personally appeared Stephen A. WALD, personally known to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Jeanne J. Schaefer

JEANNE J. SCHAEFER

Notary Public

My Commission Expires November 26, 2004

ASSIGNMENT

WHEREAS, WE, Martin P. REDMON; Hal T. BUTLER; and Stephen A. WALD, ASSIGNORS, citizens of the United States of America, residing at 70 Old Howarth Road, Oxford, MA 01540; 391 Bigelow Street, Marlborough, MA; and 71 Cider Mill Road, Sudbury, MA 01776, are the inventors of the invention in

PHARMACEUTICAL COMPOSITIONS COMPRISING NORASTEMIZOLE

for which we have executed an application for a Patent of the United States

- which is executed on even date herewith or _____
- which is identified by Pennie & Edmonds LLP docket no. 4821-464
 which was filed on February 15, 2002 as U.S. Application No. 10/075,616

and WHEREAS, SEPRACOR, INC., ASSIGNEE, having a place of business at 111 Locke Drive, Marlborough, MA 01752 is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

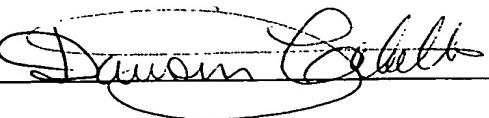
IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date <u>May 8</u> , 2002	 Martin P. REDMON	L.S.
Date _____, 2002	 Hal T. BUTLER	L.S.
Date _____, 2002	 Stephen A. WALD	L.S.

State of MASSACHUSETTS
County of Middlesex SS.:

On May 8th, 2002, before me, Darwin CABEJO, Notary Public,
personally appeared Martin P. REDMON, personally known to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



My Commission Expires July 26, 2007

State of)
County of) SS.:

On , 2002, before me, , Notary
Public, personally appeared Hal T. BUTLER, personally known to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of)
County of) SS.:

On , 2002, before me, , Notary
Public, personally appeared Stephen A. WALD, personally known to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

MAY 13 2002

PHARMACEUTICAL COMPOSITIONS COMPRISING NORASTEMIZOLE

and for which a patent application:

- was filed hereto and includes amendment(s) filed on *(if applicable)*
 was filed in the United States on February 15, 2002 as Application No. 10/075,616 *(for declaration not accompanying application)*
 with amendment(s) filed on *(if applicable)*
 was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

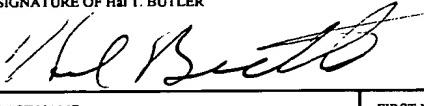
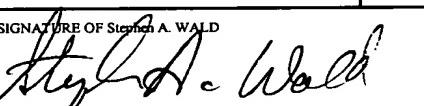
PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/824,477	March 26, 1997			X
08/851,786	May 6, 1997			X
PCT/US98/05701	March 25, 1998			X
09/718,843	November 21, 2000		X	
09/721,711	November 27, 2000		X	

* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME REDMON	FIRST NAME Martin	MIDDLE NAME P.	
	RESIDENCE & CITIZENSHIP	CITY Oxford	STATE OR FOREIGN COUNTRY MA	COUNTRY OF CITIZENSHIP United States of America	
	POST OFFICE ADDRESS	STREET 70 Old Howarth Road	CITY Oxford	STATE OR COUNTRY MA	ZIP CODE 01540
	SIGNATURE OF Martin P. REDMON 	DATE			
2 0 2	FULL NAME OF INVENTOR	LAST NAME BUTLER	FIRST NAME Hal	MIDDLE NAME T.	
	RESIDENCE & CITIZENSHIP	CITY Marlborough	STATE OR FOREIGN COUNTRY MA	COUNTRY OF CITIZENSHIP United States of America	
	POST OFFICE ADDRESS	STREET 391 Bigelow Street	CITY Marlborough	STATE OR COUNTRY MA	ZIP CODE 01752
	SIGNATURE OF Hal T. BUTLER 	DATE			
2 0 3	FULL NAME OF INVENTOR	LAST NAME WALD	FIRST NAME Stephen	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY Sudbury	STATE OR FOREIGN COUNTRY MA	COUNTRY OF CITIZENSHIP United States of America	
	POST OFFICE ADDRESS	STREET 71 Cider Mill Road	CITY Sudbury	STATE OR COUNTRY MA	ZIP CODE 01776
	SIGNATURE OF Stephen A. WALD 	DATE			

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

PHARMACEUTICAL COMPOSITIONS COMPRISING NORASTEMIZOLE

and for which a patent application:

is attached hereto and includes amendment(s) filed on *(if applicable)*

was filed in the United States on February 15, 2002 as Application No. 10/075,616 *(for declaration not accompanying application)*

with amendment(s) filed on *(if applicable)*

was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

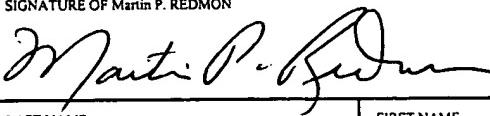
I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
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PCT/US98/05701	March 25, 1998			X
09/718,843	November 21, 2000		X	
09/721,711	November 27, 2000		X	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME REDMON	FIRST NAME Martin	MIDDLE NAME P.
	RESIDENCE & CITIZENSHIP	CITY Oxford	STATE OR FOREIGN COUNTRY MA	COUNTRY OF CITIZENSHIP United States of America
	POST OFFICE ADDRESS	STREET 70 Old Howarth Road	CITY Oxford	STATE OR COUNTRY MA
	SIGNATURE OF Martin P. REDMON 		DATE May 8, 2002	
2 0 2	FULL NAME OF INVENTOR	LAST NAME BUTLER	FIRST NAME Hal	MIDDLE NAME T.
	RESIDENCE & CITIZENSHIP	CITY Marlborough	STATE OR FOREIGN COUNTRY MA	COUNTRY OF CITIZENSHIP United States of America
	POST OFFICE ADDRESS	STREET 391 Bigelow Street	CITY Marlborough	STATE OR COUNTRY MA
	SIGNATURE OF Hal T. BUTLER		DATE	
2 0 3	FULL NAME OF INVENTOR	LAST NAME WALD	FIRST NAME Stephen	MIDDLE NAME A.
	RESIDENCE & CITIZENSHIP	CITY Sudbury	STATE OR FOREIGN COUNTRY MA	COUNTRY OF CITIZENSHIP United States of America
	POST OFFICE ADDRESS	STREET 71 Cider Mill Road	CITY Sudbury	STATE OR COUNTRY MA
	SIGNATURE OF Stephen A. WALD		DATE	